UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.109/2057
5 July 1996

ORIGINAL: ENGLISH

SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

GIBRALTAR

Working paper prepared by the Secretariat

CONTENTS

		Paragraphs	Page
I.	GENERAL	1 - 2	3
II.	POLITICAL DEVELOPMENTS	3 - 5	3
	A. General	3	3
	B. General elections	4	3
	C. Recent developments	5	3
III.	ECONOMIC CONDITIONS	6 - 19	4
	A. General	6 - 7	4
	B. Public finance	8 - 10	4
	C. Trade	11	5
	D. Banking and finance	12 - 13	5
	E. Transportation, communications and utilities	14 - 18	5
	F. Tourism	19	6

96-16756 (E) 180796 190796

CONTENTS (continued)

		Paragraphs	Page
IV.	SOCIAL AND EDUCATIONAL CONDITIONS	20 - 44	6
	A. Labour	20 - 22	6
	B. Human rights and the status of women	23 - 25	6
	C. Environment	26	7
	D. Housing	27 - 30	7
	E. Social welfare and assistance	31 - 34	7
	F. Public health	35 - 39	8
	G. Public education	40 - 41	8
	H. Crime and crime prevention	42 - 44	8
V.	CONSIDERATION BY THE UNITED NATIONS	45 - 52	11
	A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	45 - 47	11
	B. Special Political and Decolonization Committee (Fourth Committee)	48 - 51	11
	C. Action by the General Assembly	52	12
VI.	FUTURE STATUS OF THE TERRITORY	53 - 65	12

I. GENERAL*

1. Gibraltar is a narrow peninsula extending southward from the south-west coast of Spain, to which it is connected by an isthmus about 1.6 kilometres long. The Spanish port of Algeciras lies 8 kilometres across the bay to the west; the continent of Africa is situated 32 kilometres across the Strait of Gibraltar to the south. According to the United Kingdom of Great Britain and Northern Ireland, the area of Gibraltar is 5.86 square kilometres, and according to Spain it is 4.8 square kilometres.

2. According to the latest census of Gibraltar, taken on 14 October 1991, Gibraltar's civilian population in 1991 was 28,074, consisting of 20,022 Gibraltarians, 5,182 other British subjects, including families of British servicemen stationed in Gibraltar, but excluding servicemen, and 2,870 aliens.

II. POLITICAL DEVELOPMENTS

A. General

3. Detailed information on the Territory's constitution and government, public service and other related developments is contained in the 1994 working paper prepared by the Secretariat (A/AC.109/1195).

B. General elections

4. General elections were held in Gibraltar on 16 May 1996. According to the administering Power, 88 per cent of the registered voters participated in the elections. The same source indicated that the results were as follows: the Gibraltar Social Democratic Party, 52.2 per cent, the Gibraltar Socialist Labour Party, 43.0 per cent, and the Gibraltar National Party, 4.7 per cent. Consequently, the Gibraltar Social Democratic Party won eight seats in the Territorial Legislative Assembly and the Gibraltar Socialist Labour Party obtained seven seats. Mr. Peter Caruana, the Gibraltar Social Democratic Party leader, obtained 8,561 votes and was appointed Chief Minister of Gibraltar.

C. Recent developments

5. The following information on the Gibraltar garrison review was issued by the administering Power in 1996:

---

* The information contained in the present paper has been derived from published reports and from information transmitted to the Secretary-General by the Government of the United Kingdom of Great Britain and Northern Ireland under Article 73 e of the Charter of the United Nations on 21 August 1995 and 17 May 1996.

"The outcome of a review of the size and functions of the garrison in Gibraltar was announced in July 1994. The review recommended that the work of the garrison should concentrate on five core areas. The effect of the review will be to bring manpower levels down to some 500 servicemen and between 350 and 700 civilians towards the end of the decade, depending on whether supporting functions are transferred to the local economy under contract. Reductions in civilian manpower are being phased to avoid flooding the job market. Where employees have to be made redundant every effort will be made to retrain them. A Joint Economic Forum comprising representatives of the British and Gibraltar Governments and the Gibraltar Trades Unions and Chamber of Commerce has been established to examine the effect of the Ministry of Defence reductions and to explore alternative job prospects.

"On a visit to Gibraltar in April 1996, the United Kingdom's Secretary of State for Defence, Mr. Michael Portillo, reaffirmed the continuing importance of the Gibraltar garrison to the United Kingdom. He also stated that no further reductions in employment beyond those already announced were planned in the period covered by the review."

III. ECONOMIC CONDITIONS

A. General

6. Gibraltar has no known natural resources and lacks agricultural land. The industries, trades and services in the Territory are involved mainly in supplying the needs of its population and of the large number of visitors to the Territory. The economy of Gibraltar is largely dependent on tourism and the provision of financial services such as banking, insurance, shipping and portfolio management.

7. According to the administering Power, in 1993/94 the Territory's per capita gross domestic product and gross national product were estimated at £10,881 and £11,331 respectively.

B. Public finance

8. The report of the administering Power indicates that in 1994/95, revenue totalled £68.5 million and expenditure amounted to £50.4 million, compared with £69.8 million and £51.1 million respectively in 1993/94.

9. As at 31 March 1995, the public debt of Gibraltar stood at £99.3 million, compared with £92.1 million as at 31 March 1994.

10. Income tax is charged on income arising in, derived from or received in Gibraltar. Dividends, interest, pension and emoluments of office accruing in, derived from or received in any place outside Gibraltar by an individual ordinarily resident in Gibraltar are also chargeable. The rates applicable to individual residents in Gibraltar range from 20 per cent on the first £1,500 of taxable income to 50 per cent after the first £19,500.

C. Trade

11. In 1995, the total amounts of imports and exports were £460 million and £180 million, respectively. Over one third of Gibraltar's non-fuel imports originate from the United Kingdom. Other sources of imports include the Netherlands, Japan and Spain. Exports of goods of local origin are negligible. Exports consist mainly of re-exports of petroleum and petroleum products supplied to shipping.

D. Banking and finance

12. In 1995, there were 27 banks authorized to conduct banking business in Gibraltar.

13. The number of companies registered under the Companies (Taxation and Concession) Ordinance dropped from 13,171 as at 31 December 1994 to approximately 8,000 as at 31 December 1995. Companies registered under the Ordinance are exempted from the payment of income tax. The exemption covers dividends, interest, directors' fees and annual payments made to non-residents. Shares and debentures held in an exempt company are not liable to estate duty. Any company operating under the Ordinance must not carry on trade or business in Gibraltar and no Gibraltarian or resident of Gibraltar must have any beneficial interest in the company's shares.

E. Transportation, communications and utilities

14. The total mileage of roads in the Territory is 26.75 miles. The roads are reported to be in good condition and suitable for vehicular traffic. Five bus routes serviced by 16 buses maintain communication in the Territory. The total number of vehicles registered as at 31 December 1995 was 26,515.

15. In 1995, a total of 72,000 persons arrived in the Territory by air and 103,000 by sea compared with 70,000 and 88,000 respectively in 1994.

16. Air mail is dispatched to London, and via London to all destinations worldwide, six times a week in direct flights. Surface mail to and from the United Kingdom is received and dispatched five times a week. In 1995, nine commemorative sets of stamps were issued in the Territory.

17. The telephone system is operated by Gibraltar NYNEX Communication, Ltd., a joint United States/Gibraltar company. In 1995, the total number of telephones was 20,574 compared with 19,356 in 1994. Voice mail services were introduced in Gibraltar in August 1994.

18. The Electricity Department is responsible for the supply of electricity in the Territory. During 1995, the maximum electricity demand was 20,200 KW, and a total of 108,214,960 kilowatt-hours were generated compared with 20,600 and 106,192,473 respectively in 1994.

F. Tourism

19. In 1995, tourist arrivals totalled 5.5 million, compared with 4.2 million in 1994. During 1995, the hotel arrivals increased by 21 per cent compared with 1994.

IV. SOCIAL AND EDUCATIONAL CONDITIONS

A. Labour

20. As at April 1995, the total number of employees in Gibraltar was 12,702 and the number of unemployed was 352; these figures compare with 12,795 and 397 respectively in 1994.

21. In 1995, average weekly earnings in the Territory amounted to £233.32, compared with £220.78 in 1994.

22. Legislation regulating labour and employment conditions in the Territory is reported to be in line with European Union (EU) directives. The Trade Unions and Trade Disputes Ordinance of Gibraltar contains provisions for registration and systems of organization of the unions in Gibraltar that are similar to those in the United Kingdom. As at December 1995, there were 20 trade unions registered in the Territory.

B. Human rights and the status of women

23. The Gibraltar (Constitution) Order of 1969 guarantees the protection of the fundamental rights and freedoms of the individual and the maintenance of a Supreme Court with unlimited jurisdiction to hear and determine any civil or criminal proceedings under any law and with such jurisdiction and powers as are conferred upon it by the Constitution of Gibraltar, or any other law.

24. The courts of law of the Territory consist of a Court of First Instance, a Magistrates' Court, a Court of Appeal and a Supreme Court. The substantive law of the Territory is contained in Orders in Council and enactments of the Parliament of the United Kingdom that apply to Gibraltar, as well as in locally enacted ordinances, subsidiary legislation, the common law and the rules of equity in force in the United Kingdom, so far as they are applicable to the Territory.

25. The status of women in Gibraltar, whether married or single, and with or without family responsibilities, is similar to that enjoyed by women in the United Kingdom. The Social Security (Insurance) Ordinance of Gibraltar provides for the payment of a variety of benefits and allowances to expectant mothers and widows.

C. Environment

26. The 1973 Washington Convention on International Trade in Endangered Species of Wild Fauna and Flora has been extended to apply to Gibraltar as a dependent Territory for which the United Kingdom, a signatory to the Convention, has responsibility. The Endangered Species (Imports and Exports) Ordinance of 1976 gave effect in the Territory to the provisions of the Washington Convention. The Animal and Birds Ordinance protects fauna in the Territory and the Heritage Trust Ordinance provides for the protection of sites of natural beauty and scientific interest.

D. Housing

27. During the period under review, overcrowding continued to be a serious social problem in Gibraltar.

28. The Government continues to pursue a policy of increased home ownership both to alleviate the housing shortage and to reduce the burden of increasing repair and maintenance costs for its rented accommodation. During 1985-1994, home ownership in Gibraltar increased from 6 per cent to 25 per cent.

29. An improvement in the availability of housing was achieved as a result of the release by the Ministry of Defence of married quarters for public residential use. Over 100 residential units became available for civilian occupation.

30. As at the end of 1995, the government housing waiting list contained 303 applicants, compared with 496 as at the end of 1994.

E. Social welfare and assistance

31. The Social Security (Employment Injuries Insurance Ordinance) provides for payment of injury benefits, disablement benefit and industrial accident death benefit. In addition, free medical treatment for employment injuries and occupational diseases is provided at government hospitals.

32. The Social Security (Non-Contributory Benefits and Unemployment Insurance) Ordinance covers entitlement and payment of unemployment benefits to unemployed persons previously in employment. Payment of such benefit is financed from the weekly contributions by employers and employees to the Social Insurance (Short-Term Benefit) Fund. The standard weekly rate of unemployment benefit is £37.20 with an increase of £18.30 a week for any one dependent adult. During 1995, 672 claims for unemployment benefit were processed and 635 requests were granted (the data for 1994 were [illegible]3 and 843, respectively).

33. The social assistance arrangements provide for a case-by-case discretionary consideration of individual need. The basic weekly rates are as follows: single person £29.10-£38.30; and married couple, £50.20-£56.30. Higher rates are paid to registered blind persons. Persons in receipt of social assistance may apply for rent relief.

34. The institutional care of the aged is undertaken by the John Mackintosh Homes, financed by a charitable trust with an annual subvention from the Government. As at the end of 1995, the Homes catered for a total of 95 persons, compared with 107 in 1994.

F. Public health

35. The Gibraltar Health Authority is responsible for providing health care in the Territory. The Authority operates a group practice medical contributory scheme and enables registered persons to have access to free medical treatment.

36. St. Bernard's Hospital, with a total of 184 beds, provides comprehensive out-patient services and in-patient treatment for acute medical and surgical cases. It also has a maternity section and two wards for elderly patients. The King George V Psychiatric Unit has 60 beds and provides diverse types of psychiatric treatment, including in- and out-patient services. A Health Centre provides general practice medical services, including domiciliary visits.

37. A programme of visits by consultants from the United Kingdom covers specialties such as paediatric neurology, cardiothoracic surgery and plastic surgery.

38. As of 1995, the Territorial medical and health staff included the following: registered physicians, 33; nurses of senior training, 119; partially trained nurses, 216; midwives of senior training, 12; environmental health officers, 9; laboratory and X-ray technicians, 14; pharmacists, 1; and others, 80.

39. During 1994/95, total public health expenditure amounted to £19.35 million, compared with £18 million in 1993/94.

G. Public education

40. The Education Department continues to be in charge of public education in Gibraltar. In 1994/95 the expenditure on education totalled £10.9 million, compared with £10.3 million in 1993/94.

41. As at December 1995, 4,566 students were enrolled in government schools. Education is free and compulsory for all children between the ages of 5 and 15. There are 12 government primary schools, 1 private school, 1 services school and 2 secondary schools. There is also one special school that caters for 19 children with a variety of special needs.

H. Crime and crime prevention

42. During the period under review the reported continued illicit trafficking to and via Gibraltar and money-laundering activities in the Territory were a matter of concern. 1/ In July 1995, approximately 8,000 Gibraltarians participated in a march to draw the attention of the territorial Government to

those problems of illicit trafficking. 2/ According to the administering Power, during the period under review, smuggling activities involving Gibraltar were almost exclusively conducted by fast boats, either transporting tobacco from Gibraltar to Spain or transporting cannabis from Morocco to Spain. Measures to end trafficking were introduced in July-August 1995 by the Government of Gibraltar with the support of the United Kingdom Government. Further regulations were introduced in April 1996. The report of the administering Power also indicates that, as of June 1996, illicit trafficking involving Gibraltar was negligible.

43. On 10 April 1996, a Spanish Civil Guard helicopter crashed in pursuit of a Gibraltar-registered rigid inflatable boat carrying cannabis. As a result of the crash the Civil Guard helicopter mechanic was killed and the helicopter pilot and communication officer were injured. The boat reportedly dumped approximately 1,300 pounds of cannabis on a beach at Barbate de Farnco, near Cape Trafalgar. Following the accident, Spain introduced additional border controls between Spain and Gibraltar. 3/ According to official Spanish sources, on 11 April 1996, the Director-General for Europe in the Spanish Ministry of Foreign Affairs met with the Ambassador of the United Kingdom in Madrid and expressed to him the following views of the Government of Spain:

> "First: The concern and annoyance of the Spanish Government at the seriousness of the incidents, and its hope that they would meet with a vigorous response on the part of the United Kingdom;
>
> "Second: Although from July 1995 onwards measures had been taken in the Colony to combat the shipping of tobacco and drugs to Spain by boats based on Gibraltar, a gradual return to the earlier situation had been taking place. Since July 1995, 51 boats, 12 of them of the Zodiac type (which in theory are prohibited in Gibraltar), had been seen engaging in various incidents relating to illicit trafficking, and at least 10 tons of drugs had been seized by the Spanish authorities;
>
> "Third: Much still remains to be done. The measures relating to transport had been inadequate. But this, for all its importance, is not the most decisive aspect, in that the infrastructure of the illicit trafficking organized from Gibraltar remains intact, and the permissive financial system of shady companies continues to present an impregnable obstacle to the eradication of drug trafficking."

According to official United Kingdom sources, in responding to the Spanish Director-General for Europe the United Kingdom Ambassador expressed regret at the death of the Guardia Civil Officer and offered full cooperation; referred to successful actions by the Gibraltar Government to reduce radically the number of rigid inflatable boats and fast launchers operating from Gibraltar; referred to further action by the Gibraltar Government to change the registration rules.

The United Kingdom's Minister of State at the Foreign and Commonwealth Office, Mr. David Davis, said the following in a statement on 12 April 1996:

> "We regret the loss of life in this week's tragic incident, and offer our condolences to the family, friends and colleagues of the deceased

officer. Anyone involved, of whatever nationality, must face the full rigour of the law and the British and Gibraltar Governments will do all in their power to make sure this happens.

"Drug trafficking can in no way be condoned. The UK is committed to working with our partners to stamp it out. We need to tackle all aspects, and to keep up the pressure relentlessly.

"Tough action was taken against Gibraltar-based boats last July. Over 90 per cent of rigid inflatable boats in Gibraltar were impounded or removed. There is good cooperation with the Spanish authorities locally. If smugglers are still getting through they need to be stopped.

"Gibraltar has in hand urgent measures to achieve this. Our aim is to remove all trafficking involving Gibraltar boats. If Spain has any constructive proposals for further cooperation, we will of course consider them carefully.

"But there is absolutely no justification for the reintroduction of secondary checks at the Spain/Gibraltar frontier. This week's incident shows that what drug smuggling still takes place goes on at sea. We are determined that it should stop. There is no evidence that drugs cross the land frontier. We are making these points strongly to the Spanish authorities.

"Disproportionate controls and delays at the frontier do not solve the problem. They are a means of putting on pressure in an unrelated area. Last July, the people of Gibraltar left no room for doubt about their opposition to smuggling when half of the electorate demonstrated in the streets in favour of firm action against smuggling. The effect of these controls will be to penalize the very people who have acted against smuggling. This problem demands cooperation not confrontation."

44. The administering Power indicates that substantial resources have been devoted to combating illicit trafficking from Gibraltar. The Royal Gibraltarian Police Marine Section has played an active role in those efforts in cooperation with the administering Power, which provided the necessary equipment, including three fast patrol boats. The British Royal Navy's Gibraltar Squadron also has been used in support of the law-enforcement efforts. In July 1995, the Government of Gibraltar introduced the following measures: regulations to ban imports of rigid inflatable boats; seizure of all 64 such boats present in the Territory pending confirmation of whether they complied with all existing regulations; and subsequent impounding or removal from Gibraltar of all boats not having proper documentation or berths. As a result, all but 12 rigid inflatable boats were impounded or removed, and the remaining boats were closely monitored with a consequently large reduction in crossings of the Straits of Gibraltar. In addition, the imposition by the Government of Gibraltar of strict tobacco import quotas and increased duty on tobacco resulted in a significant decrease in tobacco smuggling activities. In April 1996, the Territorial Government introduced further regulations to make forfeit boats suspected of being used for illicit trafficking. The new Gibraltar Government announced its intention to introduce shortly new legislation to ensure the permanent

eradication of smuggling. According to the administering Power, on 1 January 1996 the new money-laundering legislation came into force in Gibraltar. That legislation complies in full with the legislation of the United Kingdom and EU, as well as with the Financial Action Task Force standards. A joint police and customs Criminal Intelligence Unit was also set up in January 1996 with the support of the British Government. The Governor of Gibraltar established a Security Coordination Group to ensure coordination between all the agencies involved in law enforcement in Gibraltar.

V. CONSIDERATION BY THE UNITED NATIONS

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

45. The Special Committee considered the question of Gibraltar at its 1442nd and 1443rd meetings, on 10 and 11 July 1995. The Special Committee heard Mr. Joe Bossano, then Chief Minister of Gibraltar (see A/AC.109/PV.1443), and Ms. Christina Thorsell of the International Federation of Liberal and Radical Youth (see A/AC.109/PV.1443).

46. At its 1443rd meeting, the Special Committee acceded to the request of the delegation of Spain to participate in the Committee's consideration of the question of Gibraltar. Also at the 1443rd meeting, the representative of Spain made a statement (see A/AC.109/PV.1443) in which he reiterated the position of his Government on the question of Gibraltar (see also para. 61 below).

47. At its 1443rd meeting, the Special Committee decided, without objection, to continue its consideration of the question at its 1996 session subject to any directives that the General Assembly might give in that connection at its fiftieth session and, in order to facilitate consideration of the question by the Special Political and Decolonization Committee (Fourth Committee), to transmit the relevant documentation to the Assembly (see A/AC.109/PV.1443).

B. Special Political and Decolonization Committee (Fourth Committee)

48. The Special Political and Decolonization Committee (Fourth Committee) considered the question of Gibraltar at its 3rd, 4th and 15th meetings, on 9 and 10 October and 3 November 1995.

49. At its 3rd meeting, on 9 October, the Committee heard Mr. Joe Bossano, then Chief Minister of Gibraltar, Mr. Roald Schoenmakers of the Dutch Group of the Friends of Gibraltar and Ms. Imke Roebken of the International Federation of Liberal and Radical Youth (see A/C.4/50/SR.3).

50. At the Committee's fourth meeting, on 10 October, the representative of Spain made a statement (see A/C.4/50/SR.4) (see also para. 61 below.).

51. At its 15th meeting, on 3 November, the Committee adopted without a vote the draft decision entitled "The Question of Gibraltar" contained in document A/C.4/50/L.3 (see A/C.4/50/SR.15).

C. Action by the General Assembly

52. At its 82nd plenary meeting, on 6 December 1995, the General Assembly, on the recommendation of the Special Political and Decolonization Committee (Fourth Committee), adopted the following text without a vote as representing the consensus of the members of the Assembly (decision 50/415):

"The General Assembly, recalling its decision 49/420 of 9 December 1994 and recalling at the same time that the statement agreed to by the Governments of Spain and the United Kingdom of Great Britain and Northern Ireland at Brussels on 27 November 1984, stipulates, inter alia, the following:

'The establishment of a negotiating process aimed at overcoming all the differences between them over Gibraltar and at promoting cooperation on a mutually beneficial basis on economic, cultural, touristic, aviation, military and environmental matters. Both sides accept that the issues of sovereignty will be discussed in that process. The British Government will fully maintain its commitment to honour the wishes of the people of Gibraltar as set out in the preamble of the 1969 Constitution',

takes note of the fact that, as part of that process, the Ministers for Foreign Affairs of Spain and of the United Kingdom of Great Britain and Northern Ireland hold annual meetings alternately in each capital, the most recent of which took place in London on 20 December 1994, and urges both Governments to continue their negotiations with the object of reaching a definitive solution to the problem of Gibraltar in the light of relevant resolutions of the General Assembly and in the spirit of the Charter of the United Nations."

VI. FUTURE STATUS OF THE TERRITORY

Position of the administering Power

53. On 14 December 1995, the United Kingdom's Minister of State at the Foreign and Commonwealth Office, Mr. David Davis, outlined the position of his Government as follows:

"First and most important, Britain stands by its commitment to the people of Gibraltar, enshrined in the 1969 Constitution. The Government will not enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another State against their freely and democratically expressed wishes.

"Secondly, we continue to recognize the validity of the treaty of Utrecht, which established British title to Gibraltar. Article X of that treaty gave Spain the right of 'first refusal' if Gibraltar ceased to be British. Any constitutional change would have to be compatible with the Treaty of Utrecht and sustainable in practice. Independence would be an option for Gibraltar only if Spain agreed.

"Thirdly, Spain is Gibraltar's immediate neighbour. The Government recognize the importance of negotiations with Spain, including through the Brussels process, to overcome the existing differences over Gibraltar. Our ultimate goal is to achieve a lasting solution which is acceptable to all parties and mutually beneficial."

That position was reaffirmed by Baroness Chalker of Wallasey in the House of Lords, on the same date.

54. The Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom made no reference to the question of Gibraltar in his address to the General Assembly at its fiftieth session. At the 82nd plenary meeting of the General Assembly, on 6 December 1995, the representative of the United Kingdom said, inter alia (see A/50/PV.82):

"We shall continue to fulfil our obligations with regard to the situation in the United Kingdom's dependent Territories."

55. At the sixth meeting of the Special Political and Decolonization Committee (Fourth Committee), on 11 October 1995, the representative of the United Kingdom stated that the British record on decolonization was good. The United Kingdom continued to take very seriously its obligations under the Charter of the United Nations to develop self-government in its dependent Territories. Within the constraints of treaty obligations, it remained firmly committed to ensuring, in cooperation with the locally elected Governments, that their constitutional frameworks continued to meet the interests of their peoples. Each Territory held regular and free elections (see A/C.4/50/SR.6).

56. On 19 October 1995, the Deputy Permanent Representative of the United Kingdom to the United Nations, in response to the statement of the representative of Spain at the Special Political and Decolonization Committee (Fourth Committee) of 10 October 1996 (see also para. 61 below), addressed the following letter to the Chairman of the Special Political and Decolonization Committee (Fourth Committee):

"On 10 October, the Spanish delegate commented in the Fourth Committee on smuggling in Gibraltar area. My authorities have instructed me to inform you that they have serious concerns about the Spanish delegate's account of the situation.

"The United Kingdom recognizes that the Kingdom of Spain is facing a very serious problem with the illegal import of drugs and tobacco. The United Kingdom is strongly committed to combating such illegal trafficking. We are sure that the Spanish Government shares this commitment.

"Strong action was taken in Gibraltar earlier this year to put an end to any smuggling activity based there. The Spanish authorities are well aware of the action which has been taken, for example against the use of fast boats, and of the success it has had. They have acknowledged this publicly. The Spanish delegate's reference to continued illegal trafficking is, at best, misleading.

"The United Kingdom is conscious of the need for constant vigilance and close cooperation in the fight against illegal trafficking. We welcome appropriate cooperation with other countries, and we are pleased at the practical cooperation that has taken place on the ground in recent months. If the Spanish authorities are aware of attempts at smuggling from Gibraltar into Spain, or using boats or other transport based in Gibraltar, the law enforcement authorities in Gibraltar would be interested to receive such information."

Position of the Territorial Government

57. Mr. Peter Caruana, Chief Minister of Gibraltar and leader of the Gibraltar Social Democratic Party, in his first interview since taking office, said that while he would seek negotiations with Spain on economic issues, the sovereignty issue would not be up for discussion. He further said: 4/

"Of course, better relations with Spain would help us to prosper, but I wish to make it clear that we will not strive for that prosperity at the cost of sovereignty ... We look to Britain and the European Union."

Position of the Government of Spain

58. On 13 December 1995, the following non-legislative proposal introduced by the Grupo Parliamentario Socialista was adopted by the Foreign Affairs Commission of the Congress of Deputies of Spain:

"Accordingly, the Congress of Deputies urges the Government:

"1. To prevent unilateral or other attempts to modify, de facto, the status of Gibraltar or its consideration within the European Union;

"2. To continue to promote the process of negotiations with the United Kingdom, initiated in the Lisbon Declaration of 10 April 1980, and continued in the Brussels Declaration of 27 November 1984, recalling that the Gibraltar dispute must be settled in strict respect for the principle of territorial integrity through recovery of the exercise of Spanish sovereignty."

59. On 30 May 1996, the Spanish Minister for Foreign Affairs, Mr. Abel Matutes, appeared before the Foreign Affairs Commission of the Congress of Deputies of Spain, and in relation to the Gibraltar dispute stated the following:

"The Government will pursue the negotiating process on the Colony initiated with the Lisbon Declaration of April 1980 and continuing with the Brussels Declaration of 1984. As agreed with the United Kingdom, the negotiations

will deal simultaneously with issues of sovereignty and of mutually beneficial cooperation, and there can be no progress on cooperation without progress on sovereignty. At the same time, the Government will spare no effort to eradicate all illicit trafficking associated with the Colony, and to this end will also seek the collaboration of the United Kingdom. I have so informed the Minister for Foreign Affairs, Malcolm Rifkind, and in the next few days we shall be beginning talks in these areas."

60. The Foreign Minister of Spain, speaking on behalf of EU made no reference to the question of Gibraltar in his address to the General Assembly at its fiftieth session.

61. At the 4th meeting of the Special Political and Decolonization Committee (Fourth Committee), on 10 October 1995 (see A/C.4/50/SR.4), the representative of Spain made a statement in which he, inter alia, mentioned the following (see also para. 56 above):

"The question of Gibraltar affected the sovereignty and territorial integrity of Spain. The approach taken to the question of Gibraltar in General Assembly resolutions clearly demonstrated that the decolonization of that Territory was not a so-called act of self-determination, but a case of the restoration of Spain's territorial integrity. That was confirmed by the provisions of General Assembly resolutions 2353 (XXII) of 19 December 1967 and 2429 (XXIII) of 18 December 1968. On the basis of that approach the General Assembly, starting in 1973, had called upon the Governments of Spain and the United Kingdom every year to continue their bilateral negotiations in order to put an end to the anachronistic colonial situation. In that connection both countries, in the Brussels Declaration of 27 November 1984, had undertaken to conduct negotiations on the future of Gibraltar, in the framework of which they would consider issues of sovereignty and mutually advantageous cooperation. The negotiations had begun in 1985 and were still continuing. Officials of Spain and the United Kingdom were maintaining regular contacts in order to ensure coordination of the negotiations, and the Ministers for Foreign Affairs of both countries were holding periodic meetings to monitor their progress.

"Until 1988, when Mr. Bossano had become Chief Minister, the local authorities of the colony had participated in the dialogue. Spain once again called upon the local authorities to reconsider their position, abandon the policy of confrontation and join in the negotiating process. At a recent meeting at the ministerial level held in London on 20 December 1994, the Ministers for Foreign Affairs of Spain and the United Kingdom had confirmed their support for the process begun in Brussels, recognized the importance for Gibraltar of the establishment of a sustainable economy, and agreed to cooperate in combating the growing illicit trafficking in the Gibraltar area.

"A number of measures had been taken in Gibraltar since July to combat the illicit trafficking of some types of goods, mainly tobacco and narcotic drugs. Spain wanted Gibraltar to prosper and develop; however, that could not be achieved through income from illicit trafficking, but only through the establishment of a sound economy. Spain would always take into account

> the individuality and legitimate interests of the inhabitants of Gibraltar and was convinced that those interests would be duly ensured within the broad framework of Spanish autonomy and within the context of the European Union."

62. At the 1443rd meeting of the Special Committee of 24, on 10 July 1995, the representative of Spain, inter alia, reiterated the position of his Government that, according to the United Nations doctrine, the decolonization of Gibraltar was not a question of self-determination but rather a question of restoration of the territorial integrity of Spain. He further said that the future of Gibraltar should be resolved through negotiations between Spain and the United Kingdom, taking due account of the interests of the population of the Territory, and reaffirmed his Government's commitment to the Brussels process. He also referred to the problem of illicit trafficking from and via Gibraltar.

Anglo-Spanish negotiations

63. The negotiating process established by the Brussels joint communiqué of 27 November 1984 continued during the period under review, although no formal meetings were held at the level of Foreign Minister. However, the question of Gibraltar was discussed, inter alia, during the visit to Madrid in June 1995 of the United Kingdom's Secretary of State for Foreign and Commonwealth Affairs. Subsequently, in November 1995, the United Kingdom and Spanish officials met in Madrid to discuss the question of Gibraltar.

Anglo-Gibraltarian discussions

64. During the period under review, discussions between the representatives of the administering Power and the territorial Government continued. On 3 April 1996, the United Kingdom's Minister of State at the Foreign and Commonwealth Office, Mr. David Davis, stated:

> "We are in regular contact at ministerial and official level with the Government of Gibraltar on the range of issues which affect the Territory. These contacts will be maintained. I was in Gibraltar last November for discussions with a wide range of Gibraltarians, including the Chief Minister and representatives of other political parties."

Airport agreement

65. As previously reported, according to the administering Power and subject to the necessary legislation being put in place, the United Kingdom and Spain agreed to the development of the Gibraltar Airport jointly coordinated by the British and Spanish authorities. The British Government had made clear at the time that they would not impose it on Gibraltar if the latter did not wish to implement it (see also A/AC.109/1007, paras. 22 and 23; A/AC.109/1074 and Corr.1, paras. 17-23; and A/AC.109/1195, paras. 33-35). On 15 April 1996, Baroness Chalker of Wallasey stated the following in the House of Lords:

> "The Government's position on the 1987 Joint Declaration concerning Gibraltar Airport is unchanged. We still believe an airport agreement would benefit Gibraltar, but we shall not impose it. A satisfactory

solution can still be found and we remain ready and willing to work to that end."

During the period under review, there have been no further developments.

Notes

1/ ABC (Madrid), 8 and 18 May 1996; Cambio 16 (Madrid), 13 May 1996; Interview (Madrid), 6 and 12 May 1996; Ya (Madrid), 24 April 1996; and Diario 16 (Madrid), 14 April 1996.

2/ The Gibraltar Chronicle (Gibraltar), 21 and 23 July 1995.

3/ El País (Madrid), 11 April 1996; Reuters, 11 and 12 April 1996; ABC (Madrid), 11 and 12 April 1996; and Agence France-Presse, 11 and 12 April 1996.

4/ The Times (London), 17 July 1996; and The Daily Telegraph (London), June 1996.